

REMARKS

Before entry of this Amendment and Response, the status of the application according to the pending Office action is as follows:

- Claims 1-7, 11-14, and 18-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,765,773 to Hopkins (hereinafter “Hopkins”).
- Claims 1-4, 7, 11, 14, 18, 21-22, and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,785,902 to Ochiai (hereinafter “Ochiai”).
- Claims 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Without acquiescing to the rejections, Applicant hereby amends the independent claims to add the objected to subject matter to place all remaining claims in condition for allowance. Applicant expressly reserves the right to traverse the bases for the pending rejections in any related or subsequent Patent Office proceeding or court proceeding.

Specifically, Applicant hereby cancels claims 2 and 26 without prejudice, as shown in the preceding Listing of Claims. Applicant hereby amends claims 1, 21, and 23 without prejudice, as shown in the preceding Listing of Claims, to include the allowable subject matter of now cancelled claim 26, and intervening claim 2. Applicant hereby amends claim 3, 4, 27, and 28 merely to update claim dependency. No new matter is entered thereby.

In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and withdrawal of all grounds of rejection and passage of the pending claims to allowance in due course.

1. Claims 1-7, 11-14, and 18-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hopkins. Applicant has cancelled claim 2, thereby rendering moot the rejection of that claim. Applicant respectfully traverses this rejection as applied to the remaining claims, as amended.

Applicant has amended claim 1 to include the allowable subject matter of now cancelled claim 26, and intervening claim 2, which was not rejected over Hopkins. Accordingly, amended claim 1 is not anticipated by Hopkins under 35 U.S.C. § 102(b). Because claims 3-7, 11-14, and 18-20 depend, either directly or indirectly, from amended claim 1, and include all respective limitations thereof, Applicant respectfully submits that these claims are patentable as well.

In addition, Applicant has amended independent claims 21 and 23 to include the allowable subject matter of now cancelled claim 26, and intervening claim 2. Accordingly, Applicant respectfully submits that amended independent claims 21 and 23 are not anticipated by Hopkins under 35 U.S.C. § 102(b). Because claims 21 and 24 depend directly from amended claims 21 and 23 respectively, and include all respective limitations thereof, Applicant submits that these claims are patentable as well.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-7, 11-14, and 18-24 under 35 U.S.C. §102(b) as being anticipated by Hopkins.

2. Claims 1-4, 7, 11, 14, 18, 21-22, and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ochiai. Applicant has cancelled claim 2, thereby rendering moot the rejection of that claim. Applicant respectfully traverses this rejection as applied to the remaining claims, as amended.

Applicant has amended claim 1 to include the allowable subject matter of now cancelled

claim 26, and intervening claim 2, which was not rejected over Ochiai. Accordingly, amended claim 1 is not anticipated by Hopkins under 35 U.S.C. § 102(b). Because claims 3-4, 7, 11, 14, 18, and 29 depend, either directly or indirectly, from amended claim 1, and include all respective limitations thereof, Applicant respectfully submits that these claims are patentable as well.

In addition, Applicant has amended independent claim 21 to include the allowable subject matter of now cancelled claim 26, and intervening claim 2. Accordingly, Applicant respectfully submits that amended independent claim 21 is not anticipated by Ochiai under 35 U.S.C. § 102(b). Because claim 22 depends directly from amended claims 21, and includes all limitations thereof, Applicant respectfully submits that this claim is patentable as well.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-4, 7, 11, 14, 18, 21-22, and 29 under 35 U.S.C. § 102(b) as being anticipated by Ochiai.

3. Claim 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has cancelled claim 26, thereby rendering the objection moot with respect to that claim.

Applicant has amended claim 1 to include the allowable subject matter of now cancelled claim 26, and intervening claim 2. Accordingly, amended claim 1 is in condition for allowance. Because claims 27-28 depend directly from amended claim 1, and include all respective limitations thereof, Applicant submits that these claims are allowable as well.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 26-28, as being dependent upon a rejected base claim.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration, withdrawal of all grounds of rejection, reintroduction of withdrawn claim 8-10 and 17, and allowance of claims 1, 3-14, 17-24, and 27-29 in due course.

The Examiner is invited to contact Applicant's undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: April 2, 2010
Reg. No. 65,640

Customer No. 051414
Tel. No.: (617) 570-1582
Fax No.: (617) 523-1231

Electronic signature: /W. Gary Dewar/
W. Gary Dewar
Attorney for Applicant
Goodwin Procter LLP
Exchange Place
Boston, Massachusetts 02109

LIBA/2076363